

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JACK STEPHEN PURSLEY,

Defendant.

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Case 4:18-cr-00575

DEFENDANT'S CLARIFICATION ON MOTION FOR SANCTIONS

Counsel for Pursley contacted the court reporter service to determine what had happened, after getting the run around from the government. The understanding coincided with the understanding of the defense except on one issue. The defense believed it had not received a copy of the tampered Final transcript.

The court reporter service, speculated that it might have been sent to spam. Counsel for Pursley checked the spam folder and did not find it. However, when the assertion was made again, a check of the May 8th e-mails was made and it was determined that on this one fact, the government was correct. Arnett discovered the email the Government referenced in their response. And in the flurry of e-mails from the same organization regarding the problems opening the videos, which is the only one this office had made at that time, Arnett did not realize there was a tampered version. The court reporter service also acknowledged that the procedure was improper and that they would never have made changes had they known that opposing counsel had not been notified.

On May 22, 2019, upon receipt of the government's Line and Page designation, the inquiry began. Had counsel made the connection between the May 8th filing and the May 6th Final Transcript, the only change would have been that the inquiry would have begun earlier.

Counsel, upon receiving the government's last final response Sunday afternoon (Minns calling, Arnett making the additional check on e-mail) attempted to make oral contact with the government lead counsel who had filed the response, who asked via e-mail why counsel wanted to talk, and was advised, that government counsel was tied up. The Government responded later to other issues but not this one.

Respectfully submitted on June 10, 2019

MINNS & ARNETT

/s/ Michael Louis Minns

Michael Louis Minns

State Bar No. 14184300

mike@minnslaw.com

Ashley Blair Arnett

State Bar No. 24064833

ashley@minnslaw.com

9119 S. Gessner, Suite 1

Houston, Texas 77074

Telephone: (713) 777-0772

Telecopy: (713) 777-0453

Attorneys for Jack Stephen Pursley

CERTIFICATE OF SERVICE

This is to certify that on this 10th day of June, 2019, a true and correct copy of the above and foregoing instrument was served upon all counsel of record.

/s/ Ashley Blair Arnett

Ashley Blair Arnett